



"The City With a Heart"

Larry Franzella, Mayor  
Ken Ibarra, Vice Mayor  
Rico E. Medina, Councilmember  
Irene O'Connell, Councilmember  
Jim Ruane, Councilmember

# **MINUTES**

## **CITY COUNCIL REGULAR MEETING**

### **July 10, 2007**

### **7:00 p.m.**

**1. CALL TO ORDER: THIS IS TO CERTIFY THAT** The San Bruno City Council met in regular session on July 10, 2007 at the San Bruno Senior Center, 1555 Crystal Springs Road. The meeting was called to order at 7:00 p.m.

**2. ROLL CALL/PLEDGE OF ALLEGIANCE:** Presiding was Mayor Franzella with Vice Mayor Ibarra and Councilmembers Ruane, Medina and O'Connell in attendance. Recording by Clerk Bonner. **City Attorney Thompson** led the Pledge of Allegiance.

**Mayor Franzella** thanked the **San Bruno Garden Club** for providing the beautiful floral arrangement.

### **3. ANNOUNCEMENTS:**

**Greg Cochran**, North San Mateo County Chamber of Commerce, spoke on the North San Mateo County Leadership Forum to be held at Skyline College.

**Vice Mayor Ibarra** asked how the \$550 tuition was determined? Mr. Cochran said it goes to staff time, gifts for the speakers, graduation dinner, continental breakfast each morning and there is no profit made.

**4. PRESENTATIONS:** None.

**5. REVIEW OF AGENDA:** No changes were made.

**6. APPROVAL OF MINUTES:** Regular Council Meeting of June 26, 2007, stand approved as submitted.

**7. CONSENT CALENDAR:** All items listed are considered routine or implement an earlier Council action and may be enacted by one motion; there will be no separate discussion unless requested by a Councilmember, citizen or staff.

- a. **Approve:** Payroll of June 29, 2007
- b. **Approve:** Accounts Payable of June 25, 2007.

**M/S Ibarra/Ruane** to approve the calendar, passed unanimously.

**8. PUBLIC HEARINGS** (Notices have been published, posted and mailed):

- a. Hold Public Hearing and Adopt Resolution Amending the Master Fee Schedule, Establishing Fees for a Variety of Municipal Services.

**Finance Director O’Leary** gave an overview of the primary highlights of the staff report. He talked about the fees charged are intended for full cost recovery correlating with the budget. The last amendment of the Master Fee Schedule was done in February and this update does not include the increases done at that time.

**City Manager Jackson** commented on City Clerk’s fees regarding candidate’s statement printing fee. She said we are retaining the amounts approved by the City Council for candidate’s statement printing in the election ballot at \$300 and \$292 additional for language translation. The staff report indicates the \$292 fee is irrelevant because the County does not print in any other language than those required, English, Spanish and Chinese. The \$300 fee is the only one applicable. She indicated the deadline to change these fees has already passed, but in the future we should look to change this fee to conform to the County’s assessment in November of 2009.

**Councilmember Ruane** asked Chapter 1, Cable Television be included in the actual costs of the Master Fee Schedule.

**Vice Mayor Ibarra** asked about the changes relating to copying. **Finance Director O’Leary** and **City Clerk Bonner** said it was an average over the year, paid in advance.

**Vice Mayor Ibarra** asked about encroachment permits. **Finance Director O’Leary**, smaller permits are easier whereas larger permits are difficult to judge in advance. **Engineer Davis** said big projects get regular encroachment permits, directly hourly rate plus benefits. **Vice Mayor Ibarra** asked the explanation be adjusted in the right hand column. **Finance Director O’Leary** said it would be more clear when it is finalized and defined actual cost will be clearer.

**Vice Mayor Ibarra** said on the Senior Center rental on Page 23 of the packet and Page 43 of the Master Fee Schedule there is a Senior Center priority group definition, there is no definition for priority 3. City Manager Jackson said it would be fixed.

**Councilmember Medina** asked about the reduction of printing the municipal code from \$110 to \$60. Finance Director O’Leary said the cost was too high and \$60 reflected full recovery.

**Councilmember Medina** said he was not comfortable accepting the fees for the Park and Recreation Department without any backup documentation. He said he would feel better to have brought this back forward. He said he didn’t feel the fees charged were the most effective measure and some need to be adjusted so we are more competitive. **Finance Director O’Leary** said analysis is under way now for the next adjustment. **Councilmember Medina** said the Council is only accepting these fees because that is what it is today with no data to support.

**Mayor Franzella** opened the public hearing. No one wished to address the Council or staff.

**M/S Ruane/O’Connell** to close the public hearing, passed with all ayes.

**City Manager Jackson** said historically the Park and Recreation Department fees are set through staff recommendation and the Park and Recreation Commission action. Those fees have not been approved by the City Council. Through Council’s direction, staff is working toward incorporation of those fees into the Master Fee schedule. Program fees for the Park and Recreation Department are set prior to the summer season so they can be incorporated into the printed brochures. It would be ill advised to make changes in the middle of the summer season. The Council has two choices, one to act on the Master Fee schedule with acknowledgement the fees are not being approved but being acknowledged. She said they anticipated a fee schedule

would come back to Council in the first quarter of '08 with the revisions. The other option would be to remove them and not do anything about the recreation fees until that time period. In the event, staff advises it would be necessary to renote the master fee schedule for another public hearing because it would represent a significant change to the document presented tonight.

**Mayor Franzella** said by taking action, Park and Recreation fees would be charged as before Council this evening. He said it would be prudent to acknowledge and have the review in January.

**Councilmember Medina** said he was prepared to accept this as is and have it re-evaluated next year.

**City Manager Jackson** said they understood their cost recovery goals; fee policy direction and they will be coming back with a more thoughtful/analytical direction in the first quarter of '08.

**Councilmember O'Connell** said the Park and Recreation Department discussed this in the budget session.

**Vice Mayor Ibarra** asked what was reviewed by the Park and Recreation Commission? How did we arrive at these figures?

**Interim Park and Recreation Director Frisbie** said he felt individual program prices were never looked at; however he felt they studied the philosophy of pricing programs.

**Vice Mayor Ibarra** said he felt a balance need to be found.

**Vice Mayor Ibarra** introduced the resolution for adoption including the cable television actual costs and acknowledgement of the Park and Recreation fees that were already set in place and passed with a unanimous vote.

b. Hold Public Hearing and Take Actions Related to the Submission of a Ballot Measure to the Voters at the November 6, 2007 General Municipal Election:

- Adopt Resolution Calling for and Giving Notice of the Holding of a General Municipal Election on Tuesday, November 6, 2007, for the Submission to the Voters of a Ballot Question Relating to a General Transactions and Use Tax; and
- Hold Public Hearing, Waive First Reading, and Introduce an Ordinance Adding Chapter 3.38 to the San Bruno Municipal Code Imposing a Transactions and Use Tax to be Administered by the State Board of Equalization.

**City Manager Jackson** asked for action to place a sales tax measure on the ballot. She reviewed the staff report.

**City Attorney Thompson** highlighted three issues: 1) authorization for or against and submit arguments on behalf or against the measure, due by August 17; 2) determine whether to also authorize rebuttal arguments, due August 27; and 3) whether to authorize the City Attorney to prepare an impartial analysis of the measure, due August 27.

**Vice Mayor Ibarra** asked if staff is confident this is the question we want to ask.

**City Manager Jackson** said yes. The information presented to the Council previously had a small difference between the ballot question provided at the last meeting and tonight. The first line of the question was changed from such to including. With the help of the Godbe firm who did the

survey and those who took the survey she felt confident the 75-word ballot has been done in the precise manner according to the law.

**Mayor Franzella** recommended Council be authorized to have up to five ballot arguments and to have rebuttal arguments as well and the City Attorney should be doing an impartial analysis. He said this measure would give the City the ability to move forward and provide services they have not been able to provide. He said it has his full support and he is very proud to take part.

**Mayor Franzella** opened the Public Hearing. No one wished to address the Council or staff.

**M/S Ruane/Ibarra** to close the public hearing, passed with all ayes.

**City Attorney Thompson** if the City Council is authorized to submit arguments, there must be an indication in favor or against.

**Vice Mayor Ibarra** introduced the resolution for calling for and giving notice of a general municipal election and also to authorize the City Attorney to prepare impartial analysis and authorizing the council members to submit, up to five, arguments in favor and, up to five, submitting rebuttal arguments and passed with a unanimous vote.

**M/S Ibarra/O'Connell** waived the first reading, passed with all ayes.

**Vice Mayor Ibarra** introduced the ordinance for adoption and passed with a unanimous vote.

## **9. CONDUCT OF BUSINESS:**

a. Adopt Resolutions Calling the November 6, 2007 General Municipal Election, Requesting Election Services from San Mateo County and Establishing a Candidate Statement Policy.

- Adopt Resolution Calling and Giving Notice of the Holding of a General Municipal Election to be held on Tuesday, November 6, 2007, for the Election of Certain Officers As Required by the Provisions of the Laws of the State of California Relating to General Law Cities.

- Adopt Resolution Requesting the San Mateo County Board of Supervisors to Consolidate a General Municipal Election to be held on November 6, 2007, with the City, School, and Special District Consolidated Election to be held on that date Pursuant to §10403 of the Elections Code.

- Adopt Resolution Requesting the San Mateo County Board of Supervisors to Render Specified Services to the City Relating to the Conduct of a General Municipal Election.

- Adopt Resolution Adopting Regulations for Candidates for Elective Office Pertaining to the Candidates' Statements Submitted to the Voters.

**City Clerk Bonner** gave an overview of the staff report and resolutions and asked for questions.

**Vice Mayor Ibarra** asked if the price increased from \$362 if 400 words were used. **Clerk Bonner** concurred.

**Councilmember O'Connell** said she believed it needed to be kept at 200. She asked when the absentee ballots go out? Clerk Bonner responded September 27.

**M/S O'Connell/Medina** to retain the 200 word limit for San Bruno's ballot statements and passed with all ayes.

**Councilmember Ruane** introduced the resolution calling and giving notice for a general election and passed with a unanimous vote.

**Councilmember Ruane** introduced the resolution requesting consolidation of election services from San Mateo County Board of Supervisors and passed with a unanimous vote.

**Councilmember Ruane** introduced the resolution requesting the San Mateo County of Board of Supervisors to render specified services and passed with a unanimous vote.

**Councilmember Ruane** introduced the resolution adopting regulations for candidates for elective office and passed with a unanimous vote.

b. Receive Oral Report on the 2007 Fireworks Season.

**Fire Chief Voreyer** introduced **Police Chief Telford** who gave an overview of the fireworks events surrounding June 28 through July 4, 2007 as they applied to the Police Department with the help of Daly City on the day of the event. **Fire Chief Voreyer** gave an overview of the public education seminar, fireworks booth inspections, fire department operations and incidents, costs and public works costs.

**Councilmember Medina** thanked both departments and personnel.

c. Adopt Resolution Approving Second Amendment to the Joint Use Agreement between the City of San Bruno and the San Bruno Park School District to Extend the Term of the Agreement through September 30, 2007.

**Mayor Franzella** asked for questions or action from Council.

**Councilmember O'Connell** said even though we are charging the school district \$9,940 to do this work, we do much more work for the citizens on the school district grounds than this amount reflects. She wanted the public to know we do much more. City Manager Jackson said the \$9,940 only represents a portion of the cost for the lawn mowing services.

**City Manager Jackson** agreed with Councilmember O'Connell's statement and added the \$9,940 only covers a portion of the lawn mowing services and provides additional services.

**Councilmember Medina** asked what the School District pays. City Manager Jackson said between 30 and 40% through negotiations between the District and the City. It needs to be considered more completely for extension of the agreement. **Councilmember Medina** said it should be equal.

**Vice Mayor Ibarra** asked who would be involved in these negotiations. City Manager Jackson said discussions have been had with Council and submitted to the School Board but no firm plans have been made.

**Vice Mayor Ibarra** introduced the resolution adopting the second amendment and passed with a unanimous vote.

d. Adopt Resolution Approving a Memorandum of Understanding Between the City of San Bruno and the Public Safety Mid-Management Unit, Represented by the Teamsters Local 856 IBT, and Authorizing its Execution by the City Manager.

**Mayor Franzella** asked for action from Council.

**Councilmember Ruane** introduced the resolution for adoption and passed with a unanimous vote.

e. Adopt Resolution Authorizing the City Manager to Execute a Contract with MDD Enterprises, Inc. for Senior & Recreation Centers Generator Circuitry in Support of the 2006-2007 CIP Senior Center Emergency Power Supply Generator Project #83883, in the Amount of \$33,000, and Authorizing a Total Construction Budget in the Amount of \$38,000.

**Engineer Davis** reviewed the request to execute a contract to have emergency power at the Senior and Recreation Centers, which he expects to have done by the end of September.

**Councilmember Medina** introduced the resolution for adoption and passed with a unanimous vote.

f. Adopt Resolution Approving the City's Application to the Association of Bay Area Governments for Designation of the Eastern Portion of the San Bruno Redevelopment Area as a Priority Development Area.

**Housing & Redevelopment Manager Sullivan** gave an overview of the staff report and asked for questions.

**Councilmember Ruane** introduced the resolution for adoption and passed with a unanimous vote.

g. Consider Cancellation of the Regular City Council Meeting on August 28, 2007.

**M/S Ibarra/O'Connell** to cancel the regular City Council Meeting and passed with all ayes.

**10. PUBLIC COMMENT ON ITEMS NOT ON AGENDA:** None.

**11. REPORT OF COMMISSIONS, BOARDS, & COMMITTEES:**

**12. COMMENTS FROM COUNCIL MEMBERS:**

**Councilmember Medina** complimented the Pee Wees and the Junior Giants on their July 4 Tournaments.

**13. CLOSED SESSION:**

Provide direction to legal counsel in pending litigation. (California Trout, Inc. v Urban Water Suppliers, et al., a petition before the State of California State Water Resources Control Board) (Gov't Code Section 54956.9(a)).

**14. ADJOURNMENT:** There being no further business to transact, the meeting concluded at 8:40 p.m. The next City Council Meeting will be held on July 24, 2007, at 7:00 p.m. at the Senior Center, 1555 Crystal Springs Road.

Respectfully submitted for approval  
at the regular City Council Meeting of  
July 24, 2007

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Carol Bonner, City Clerk

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Larry Franzella, Mayor